

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STINNETT GROUP, LLC

Plaintiff,

V.

AUTO OWNERS INSURANCE, et al.,

Defendants.

CIVIL ACTION NO.: 1:06-cv-634-WKW

**JOINT STIPULATION BETWEEN PLAINTIFF AND DEFENDANT TO CONSENT PRO
TANTO JUDGMENT IN FAVOR OF DEFENDANT/COUNTERCLAIM PLAINTIFF
AUTO-OWNERS INSURANCE, WHOSE CORRECT NAME IS OWNERS INSURANCE
COMPANY**

COMES NOW Plaintiff, Stinnett Group, LLC (hereinafter “Stinnett Group”) and Defendant/Counterclaim Plaintiff, designated in Plaintiff’s complaint as Auto Owners Insurance, whose true and correct name is Owners Insurance Company (hereinafter “Owners Insurance”), and files this joint stipulation for consent pro tanto judgment in favor of Defendant/Counterclaim Plaintiff Owners Insurance and against Plaintiff, Stinnett Group as follows:

1. That Owners Insurance has no duty to defend Stinnett Group as to any of the claims asserted in the Huff & Associates counterclaim, as amended, in the underlying state court action filed in the Circuit Court of Lee County, Alabama, styled Stinnett Group, LLC v. Huff & Associates Co., Inc., Civil Action No.: CV-04-797.

2. That as the liability of Stinnett Group has not been adjudicated in the underlying action (CV-04-797), Stinnett Group's and Owners Insurance's claims regarding duty to indemnify are not sufficiently ripe to present a "case" or "controversy" and are, therefore, due to be dismissed, without prejudice. See, State Auto Property & Casualty

Ins. Co. v. Calhoun, 2005 WL 2406055 (M.D. Ala. Sept. 29, 2005).

Dated this the 25th day of May, 2007.

I, Joel H. Pearson, certify that counsel for all parties have agreed to the filing of this document and that I have authority to affix the electronic signature of counsel for the parties for the electronic filing of this document with the Court.

s/ J. E. Sawyer
J. E. SAWYER, JR. (SAW004)
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Respectfully submitted,

s/Joel H. Pearson

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